

# Hawaiian Gazette.

VOL. XXXVIII, No. 99.

HONOLULU, H. T., TUESDAY, DECEMBER 1, 1903—SEMI-WEEKLY.

WHOLE No. 2542.

## JAPANESE WILL TEST THE COUNTY ACT

### Want to Have the Anti-Asiatic Hackmen's Clause Invalidated by Courts.

Japanese hackmen are preparing to test the county law in the courts. Steps have already been taken and a suit will probably be filed as soon as the county law goes into effect, to render invalid the license clause which prohibits any man from driving a hack unless he can read and write the English or Hawaiian language. M. Saito, the Japanese Consul General for Hawaii, has taken the matter up and an opinion has been obtained from leading counsel in the city to the effect that the obnoxious clause can be killed. It is not determined as yet whether the law is to be tested in the federal or Territorial courts, but definite action will be determined upon next month.

The Japanese are especially anxious to knock out the law as soon as possible as in the past few months some twenty-five or thirty Japanese have been refused licenses because of their lack of knowledge of English. This action by the High Sheriff was not taken because of the county act but by virtue of the regulation promulgated by Supt. Boyd, while in office, which provides that:

Every hack-driver, before being licensed as such, must prove to the satisfaction of the competent authorities that he is sufficiently conversant with the English language for the conduct of his business, and well acquainted with streets and localities in and around Honolulu.

The county act is likely to wipe out of business every Asiatic driver of a licensed vehicle in the city. The provision in the county law which is to be attacked is as follows:

Section 349, Chapter 56, relating to vehicles and drivers, is as follows: "The Sheriff or Deputy Sheriff shall before any license is issued for any passenger vehicle, inspect the vehicle for which a license is requested and the harness and the animals to be used therewith, and if he shall find the same to be in good serviceable condition he shall deliver to the applicant therefor a certificate setting forth such fact, and the capacity of the vehicle. Such officer shall also examine any applicant for a driver's license and if he finds such applicant to be competent driver, AND ABLE TO READ AND WRITE THE ENGLISH OR HAWAIIAN LANGUAGE HE SHALL GIVE HIM A CERTIFICATE TO THAT EFFECT."

"No license shall be issued to any driver or for any passenger vehicle until the receipt by the Tax Collector of SUCH CERTIFICATE."

Consul Saito has been in correspondence with the Japanese Minister at Washington in regard to the alleged violation of treaty rights in the discrimination against Japanese and as a result the local Japanese were advised to attack the law in the courts, before it was made a matter of diplomatic exchange between the two countries. If the law is attacked in the Federal Court, the favored nation clause in the treaty is likely to be the basis. If in the Territorial courts the question is likely to be raised as to how the ob-

noxious section got into the bill after having been killed in committee. Just the course of action to be taken has not been decided upon. The opinion which was given to the interested parties by Kinney, McClanahan & Cooper was to the effect that the law is illegal and the section objected to could be rendered invalid. Another opinion by one lawyer upheld the legality of the law, and the Japanese intend to get other legal advice before finally determining upon their course of action.

There has been a general falling off in the hack business every month since the Rapid Transit was extended all over the city. Last month for instance of the licenses expiring, fourteen or fifteen hackmen failed to make a request for renewal. Nearly all of these were natives.

The refusals to grant licenses to hackmen have been confined to Asiatics, and Consul Saito recently wrote to High Sheriff Brown inquiring why the Japanese were being discriminated against. The reply contained a reference to the section in the hack regulations given above and a statement that the county act would not be enforced until after it becomes effective.

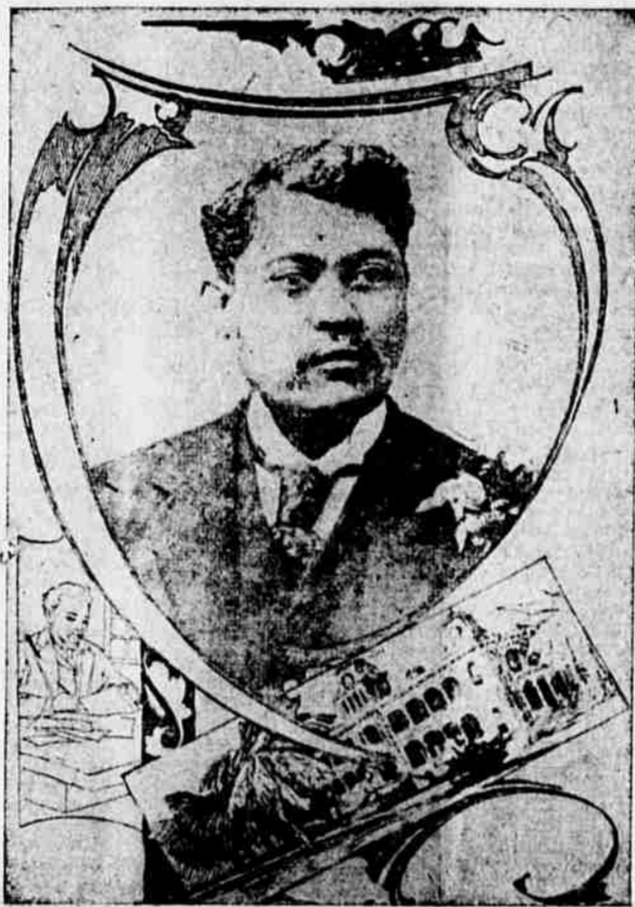
#### HIGH SHERIFF'S VIEWS.

"The county act has nothing to do with the rejection of Japanese and Chinese hackmen," said the High Sheriff. "We have however been turning down an average of from five to six applicants a month for about six months past, on the ground that they are not sufficiently conversant with the English language to drive hacks. This is in accordance with a regulation in the rules compiled by Supt. Boyd some years ago. There has been so much complaint lately from white hackmen but from the English speaking people generally against the ignorance of Asiatic hackmen, that it was determined to enforce more strictly the rules for the issuance of licenses. The men turned down have been totally deficient in their knowledge of English. Some of them have been engaged in the hack business for three and four years, and a few have been new applicants. Several Chinese were turned down because of their lack of knowledge of driving. The Treasurer sends us a list of licenses as fast as they expire, and when the renewals are applied for, tests are made by the hack inspector and myself. The applicants are made to undergo an examination in English and afterwards the hack inspector or his assistant drives about the city with the applicants and is given an opportunity to find out about their knowledge of driving. If all tests are satisfactorily passed the license is granted."

"I received a letter from the Japanese Consul a few days ago inquiring as to my reasons for denying certain licenses asked for by Japanese, and I sent a letter giving the desired information. He was apparently under the impression that the applications had been rejected because of the county act. That was not the case however. If the hack license provision in the county law holds good it will practically drive every Japanese and Chinese hackman in the Territory out of business. Still that was the intention of the men who put the amendment in the bill, I believe. That section requires that they should be able to both read and write the English or Hawaiian language and few Asiatic hackmen could comply with those conditions."

## QUEER WORK ILLUSTRATED

### Meheula Twice Indicted for Destroying House Vouchers—Startling Revelations of Looting the Treasury—Specimen of Voucher.



S. Meheula, the Indicted Clerk of the House of Representatives.

Conjecture, surmise, rumor and suspicion all ended at once, revelation taking their places, when the Federal grand jury presented its final report before Judge Dole directly after the opening of the United States District Court yesterday morning. And whatever might have been conjectured, surmised, rumored or suspected, nothing had been publicly stated which foreshadowed a blacker picture of legislative graft than the details of House expenditures presented by the grand jury revealed.

Solomon Meheula, Clerk of the House of Representatives, had two indictments presented against him for destruction of vouchers. That he was the only one indicted is simply because the looting of the treasury shown up by the grand jury does not come within the scope of Federal law to punish. By Meheula's official position, that made him the custodian of public records, he became amenable to the statute of the United States provided for safeguarding such documents. When it was found he had paid out more than one thousand dollars, including several considerable sums to himself, without having vouchers to show authority for the expenditure, the duty of the grand jury was to investigate whether or not there ever had been vouchers for the items in question and if so what had become of them. The fact that they returned indictments for the destruction of the vouchers representing moneys paid to Meheula himself indicates that they found probable cause to convict him of destroying these records.

With regard to the receiving of public money by others than the Clerk, for which either no service or only a mere pretense of service had been rendered, the Federal grand jury was compelled to pass the facts on to the Territorial authorities for jurisdiction as coming under the Territorial laws against embezzlement, larceny, gross cheat, or whatever law, in any particular case, applied.

#### THE MEHEULA CASES.

In each indictment against Solomon Meheula it is charged that he being a public officer, namely, Clerk of the House of Representatives, having the custody of records, documents and pa-

pers of the House of Representatives, did have in his possession a certain voucher, a more complete description of which was unknown to the grand jury. The number of a particular warrant is then given, with the amount for which it was drawn, and then the indictment specifies how the accused committed a violation of Section 5403 of the Revised Statutes of the United States as follows:

"And these Grand Jurors do further present and show that he, the aforesaid Solomon Meheula, after the aforesaid voucher had been deposited in his custody as aforesaid, did then and there, to wit, at said City of Honolulu within said District, on said 21st day of March, 1903, wilfully, unlawfully, intentionally, knowingly, feloniously and fraudulently destroy said voucher, contrary to his trust as such Clerk aforesaid; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America."

The quotation refers to warrant No. 153 for \$70 drawn March 21, and is the first count. The second count is on warrant No. 239 for \$13.25, the third on warrant No. 501 for \$50 and the fourth on warrant No. 528 for \$20.

The second indictment against Meheula, in similar form, charges him in three counts with having destroyed vouchers for \$30, \$35 and \$60 respectively. In each count of both indictments it is set forth that Clerk Meheula was paid the money for himself by the public treasury.

#### OTHER INDICTMENTS.

James H. Hakuole, cashier in the office of the Collector of Internal Revenue, was indicted for the embezzlement of \$164. It was reported yesterday evening that a further shortage had been discovered in Hakuole's accounts, being of collections outside the office, since the grand jury investigated his case.

There were twenty-two other indictments, mostly against Japanese, for perjury, peonage, bigamy, importation of women for immoral purposes, etc.

Meheula and Hakuole were taken into custody early in the afternoon and their bonds for appearance fixed at \$2500 each. Meheula's bond was ac-

(Continued on Page 5.)

## BRITISH SQUADRON WILL MENACE VENEZUELAN

### A Squadron to Enforce Great Britain's Protest Against Closing Orinoco.

### England and China to Protect Thibet—Wood Was Insubordinate—Germany Recognizes Panama—Sir Fred'k Bramwell Dead.

(ASSOCIATED PRESS CABLEGRAMS.)

PORT OF SPAIN, Dec. 1.—A British squadron is going to La Guayra, it is reported, in connection with President Castro's closing of the Orinoco river to foreign trade. Great Britain has twice protested against this measure.

#### Protectors of Thibet.

TIENTSIN, Dec. 1.—It is understood that England and China will hold Thibet against Russia.

The Chinese Resident in Thibet recently reported that hundreds of Russian cavalrymen were entering the country. He protested against this invasion but the L'Hassa government paid no attention to him as it was stated that the cavalrymen were only "visiting" in the country. Colonel Younghusband is at present leading a British column into Thibet to remind the Thibetans that they have disregarded certain treaties in connection with British and Indian trade. Russia is said to be backing up the present stubbornness of the government of Thibet.

#### Wood Was Insubordinate.

WASHINGTON, Dec. 1.—In the Senate inquiry into the claims to promotion of Brigadier General Leonard Wood, Major General Brooke testified that General Wood was insubordinate in Cuba. Wood will probably be recalled from the Philippines to testify.

#### Noted Engineer Dead.

LONDON, Dec. 1.—Sir Frederick Bramwell, the noted engineer, is dead at 85. He was a civilian member of the British ordinance committee.

#### Germany Recognizes Panama.

BERLIN, Dec. 1.—Germany has recognized the independence of Panama.

#### Kansas Eight Hour Law.

WASHINGTON, Dec. 1.—The Supreme Court has affirmed the constitutionality of the Kansas eight hour law.

#### President and King.

WASHINGTON, Dec. 1.—President Roosevelt will recognize the King of Serbia and reestablish the legation at Belgrade.

#### Three Negroes Lynched.

SHREVEPORT, La., Dec. 1.—Three negroes have been lynched for murdering white men.

#### Naval Balloon Stations.

LONDON, Dec. 1.—The war office will establish balloon stations on the Mediterranean.

## TRIBUTES TO JUDGE FROM PLANTERS AND BUSINESS MEN

Following are the resolutions adopted by the Chamber of Commerce and the Hawaiian Planters' Association, respectively, in regard to the retirement of Mr. Dole from the Governorship and his accession to the Federal Judgeship:

#### CHAMBER OF COMMERCE.

Whereas, The Honorable Sanford B. Dole has been the Chief Executive of the Government of Hawaii for a period of more than ten years, and

Whereas, he has now resigned the office of Governor to assume the duties of United States Judge for this Territory,

Be It Resolved that this Chamber of Commerce hereby records its sincere appreciation of the valuable services rendered by Mr. Dole in the exalted position he has so long occupied, and expresses its deep conviction that his career in the important judicial post to which he has now been appointed will be no less distinguished than that which has just drawn to an honorable close.

#### HONOLULU CHAMBER OF COMMERCE.

By its Vice President, E. D. Tenney. By its Secretary, Jas. Gordon Spencer. Honolulu, T. H., November 18, 1903.

#### PLANTERS' ASSOCIATION.

Resolved that the Hawaiian Sugar Planters' Association desires to express its appreciation of the services which the Honorable Sanford B. Dole has rendered to the community of these Islands as the Chief Executive officer of the Government during the past ten years.

That by his dignified, just and equitable administration of the public affairs, and his recognition of the rights of all classes and interests he has commended himself as a high-minded and able public officer.

#### HAWAIIAN SUGAR PLANTERS' ASSOCIATION.

By H. A. Isenberg, President. By William O. Smith, Secretary. Dated Honolulu, November 19, 1903.

## QUARANTINE ISLAND WORK WILL COMMENCE SOON

Work on the new marine hospital buildings on Quarantine Island is likely to begin very shortly. Dr. L. E. Cofer received a request in the last mail for information regarding soundings in the harbor about the island, which leads to the belief that the department is preparing for the early improvement of the station.

Dr. Cofer has also been given authority to advertise for bids for lighting the buildings on the island with electricity, and has asked for tenders

to be opened December 10th. The island is to be lighted either by a current from the city, connected under the harbor or else by a plant established on the island.

No definite information has been received from Washington as to the time when work will be commenced on the building. There is still some doubt as to who will do the work, although the present action of the Surgeon General indicates that the delay now will not be for long.

The following story of Pope Pius is told in the Italian papers: A deputation of the monks of some order recently obtained an interview with him. According to the etiquette of the Vatican only cardinals are allowed to sit in the Pope's presence, and an invitation from him to do so is deemed equivalent to the promise of a cardinalate. Pope Pius the Tenth is a plain man, utterly indifferent to the etiquette of the Papal court. He, therefore, begged the monks to take seats. They hardly knew whether they could venture to do so, and while they stood hesitating, he said to them: "You do not, I suppose, expect me to draw your chairs forward for you?"